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SATURDAY, APRIL 15, 1899.

JUDICIAL CONTUMACY.

The British theory of government and
all of its alleged principles as applied
in law to civil power and popular lib-
erty, became null and void in these
colonies or States, as soon as they made
their Declaration of Independence, or
certainly as soon as that Declaration
was sustained and made good by our
armed revolution, and recognized by all
the nations of the earth, including Eng-
land. The whole system of government
and law in England was inverted here.
There it was a pyramid, standing on
its apex—the King; here, the pyramid
was reversed, or restored to its natural
position, standing on its base—the peo-
ple. Divine right, hereditary right, in-
herent power and special privilege,
rampant in England, were utterly abo-
lished here in all things relating to civil
and political powers, rights, liberties
and privileges; and the right and power
of man in government and temporal
law were proclaimed supreme.

The Declaration of Independence dis-
tinctly says that governments (and of
course all their branches or depart-
ments), "are instituted among men,
DERIVING THEIR JUST POWERS
FROM THE CONSENT OF THE GOV-
ERNED," and the Bill of Rights of Vir-
ginia even more distinctly asserts that
"ALL POWER IS VESTED IN, AND
CONSEQUENTLY DERIVED FROM,
THE PEOPLE." But what is all that
to Tories?

"A man convinced against his will,
Is of the same opinion still."

and hence all reliance is placed still by
the Tory, or Federalist, or Imperialist
in British precedent, authority and
immemorial judgment, when our re-
motest date in fact, reason, law and
logic, goes back no further than to July
4th, 1776, and our authority no higher
than to the people. Discussing the re-
cent action of our Supreme Court of
Appeals in nullifying and refusing to
obey an act of legislature restricting
and prescribing the power of our courts
in dealing arbitrarily with constructive
contempts of court, the Norfolk Land-
mark (of course) warmly applauds the
court and its sedition, and says:

"The principles of our government re-
quire that the executive, judicial and
legislative functions shall be separate
and distinct. The Constitution of Vir-
ginia, in the Bill of Rights, provides the
same thing, not only once, but twice,
for the sake of greater emphasis. Here
and there judicial power may have
been abused, but the judgment of courts
from time immemorial has been that
the right of punishing for contempt is
inherent in the judiciary."

"It may treat the executive branch as
it has treated the judicial. The result
of all this would be the establishment
of the legislative as the supreme and
only power of the land. Judiciary
and executive would become the mere
non-entities. The Virginia Court of
Appeals has taken a stand in defense
of the fundamental plan of our national
institutions."

But the principles of our government
in separating the legislative and judi-
cial functions did not confer govern-
mental or legislative functions on the
courts, nor any right or privilege to
assert an "inherent power" superior to
the constitution, or the legislature; but,
on the contrary, authorized the legis-
lature to erect and regulate all courts,
whose powers are expressly limited to
those "conferred" by the constitution
or the legislature; and as to the con-
stitutional power of the Supreme Court
to declare an act of legislation null and
void, it, too, is restricted to acts al-

ready null and void "by reason of their
repugnancy to the constitution of the
United States, or the constitution of
this State." The act here in question
is declared null and void for no such
reason, but because it is repugnant to
an alleged "inherent power" utterly re-
pugnant to all our constitutions, institu-
tions and principles, while the act
itself is in full pursuance of the con-
stitutional power of the legislature to re-
gulate "the judiciary, and to give
effect to the guarantees of personal lib-
erty" contained in our Federal as well
as our State constitution. Trial by jury
in all cases affecting life, liberty and
property is a high right of the people,
and the act pronounced null and void
by our Supreme Court of Appeals was
to protect and enforce that "inherent
right" of the people and its constitu-
tional securities.

The court says no to the legislature.
It refuses to recognize the constitu-
tional duty and power of the legisla-
ture to regulate it. See section 1st,
Article VI., of the Constitution of Vir-
ginia, subjecting the judiciary to the
constitution and the legislature. The
court revolts, and asserts an indepen-
dence and a supremacy that have no
foundation in our government, constitu-
tions, institutions, or in reason, or
good order, or any necessity—for if a
jury be not a sufficient assessor of law
in judicial behalf, it is at least a proper
defence of personal and popular right
and liberty against judicial assump-
tion, usurpation and tyranny. See U. S.
Constitution, Amendments V. and VI.
See Constitution and Bill of Rights
of Virginia Article I., paragraphs 10
and 16.

Any self-respecting American citizen
would far prefer to risk hanging before
a jury of his equal fellow freemen, than
to be subject for one second to the
arbitrary power which the Supreme
Court of Appeals asserts for its mem-
bers invested with judicial functions.
It is a Turkish tyranny, and, as we
know, has been exercised in a manner
only becoming an "unspeakable Turk."
"turbaned and bearded." But what the
Court of Appeals has just done, or at-
tempted, reveals what a despotism, or
imperium in imperio, threatens and de-
files the State, the legislature, the con-
stitutions, the laws and the people.
Oh, for a Jefferson, or a Patrick Henry!

PROSPERITY IS PLENTY, FAIRLY DISTRIBUTED.

If anybody can give a better, truer,
or briefer definition of prosperity, we
shall be happy to see it. There may be
other prosperities; special prosperities;
and other prosperities; as we are told
that "The prosperity of fools shall de-
stroy them;" but that prosperity, so de-
fined, in the above heading, is the only
prosperity that can be properly predi-
cated of a people, or a nation, or a com-
munity. Have we got such a prosperi-
ty in the United States? In Virginia?
Or even in Norfolk—where the bounty
of heaven, in so many ways and things,
endows us with perpetual plenty? Here
land, water and air combine to supply
us all, with all necessary food and al-
most every luxury of the palate; and
these we feel sure of so long as our
land, water and air do not fall into the
clutches of trusts and monopoly,
through false pretenses of State, or
other fraudulent practices. But we
have other desires; and we are not
prosperous even in what we have, be-
cause the scarcity of money prevents a
fair distribution. The sine qua non of
prosperity, as reason shows and expe-
rience tells, is plenty of money; for, as
it is the medium of exchange and cir-
culation, there can be no fair or ade-
quate distribution of any abundance,
without an abundance of the medium.
Then everything runs on wheels, swims,
soars!

Every day some contemporary cries
aloud: "Prosperity is here! Look!" and
he exhibits to us "a beggarly account
of empty boxes," showing how our ex-
porters and transporters have stripped
the land, and made a good thing of it on
foreign shores by underselling foreign
pauper labor! If that be true, what
profit do they make, for at what beggarly
prices they must have been forced to
sell here to enable the speculators to
make so great a balance of trade in
their favor, after meeting all the ex-
penses of export, of foreign tariffs, tare
and tret, commissions, &c.? Is it not
self-evident on the face of the figures
that they prove how our producers
were oppressed and skinned, no matter
what else they may prove. Another
cry of "Behold Prosperity!" backs it by
a glimpse of Wall street and the Stock
Exchange, with a boom in stocks,
bonds and other securities—and every
dollar in the great account is diverted
from the fruitful fields of useful labor,
necessary production and honest com-
merce, to the arid deserts of chance,
trick, job, chicanery and gambling, where
no amount of irrigation can yield a
blade of nutrient grass!

Is that prosperity? It is the best of-
fered for our inspection, at any rate;
except, perhaps, the illusive phantas-
magoria of labor, jubilant, receiving an
increase of wages! Ho! ye calamity
shriekers! here is an increase of 5 per
cent, or 10 per cent.; and yet ye shriek!
We could laugh, on the contrary, if it
were not so serious a matter. The in-
crease to a few, comparatively, is but 5
or 10 cents on the dollar. Is not that
munificent and generous, if prosperity
has really returned (for everybody has
been obliged to confess that she did
fly the land), when we consider that it
is in return for a decrease in wages,
averaging from 30 to 50 cents in the
dollar, and with the trusts everywhere
closing up factories and workshops and
discharging hands by the thousand?

But, hold! In the midst of all the
statistics proving that prosperity has

been railroaded into the country on a
broad gauge, if not by our forced ex-
ports abroad, here comes Porter, once
Superintendent of the U. S. Census, the
great Beegum of Statistics and Statis-
ticians, denying all this show
of railroad prosperity, and all
the rosy deductions therefrom;—
recting figures and summing up
receipts and expenditures, as-
sets and debts, that quite confounds
the boomers of prosperity, and proving
that the railroads are really paupers,
entitled to parochial or other public re-
lief. We have nothing to do with his
motive, or the end he aims at. Suffi-
cient that the Grand-Master-at-Arms,
Past Grand-Master of all our Statistics,
knocks the figures of prosperity into pie
and puts the figures to flight.

But the press-boomers of prosperity
still keep up their ceaseless drone, as if
they had not heard the Great Porter,
nor heard of him. And yet he first
published his paper on the condition
of our railroads in the N. Y. Sun; and
since then it has been reproduced in
circular form, and scattered broadcast
all over the land. Yet the boomers pre-
tend to have never seen it or heard of
it! Will not some friend of truth send
them a copy, so that they may at least
explain how Porter has been so sadly
derailed? It is a curious case of cross-
purposes, at all events, and demands
some elucidation from some enlighten-
ed quarter.

Meanwhile, as even the boomers of
prosperity are disagreeing as to where
it is precisely, the people are waiting
impatiently for that plenty, fairly dis-
tributed to all, which is the reasonable
demand of labor, production, transpor-
tation and necessary exchange upon
the monopolizers of whatever prop-
erty, may be left anywhere. We fear
that prosperity is a sneak, and is dodg-
ing the people.

THE PEOPLE IN MOTION.

The great revolution proclaimed at
Chicago in 1896, and which at once ral-
lied to its banner the grand army of
six and a half millions of men, is now
fully afoot, in motion toward a gigan-
tic and relentless movement, whose mo-
mentum is daily increasing, and which
will put all opposition under foot in its
rush to a magnificent victory of, for
and by the people. Every active and
prominent antagonist of this revolution
will perish politically forever in the
foolish effort to stem the rising tide;
while everyone capable of doing it good
service will be rewarded with no nigard
hand.

There will be many grand prizes to
be distributed to new men between the
first Tuesday after the first Monday in
November, 1900, and the 4th day of
March, 1901. Cabinet places; foreign
embassies, territorial and provincial
Governorships, Judgeships, &c.; high ju-
dicial and other positions; commission-
erships of dignity and importance; spe-
cial missions; and all the boundless and
valuable patronage of this great Fed-
eral Republic. The revolution will de-
mand and have (figuratively) the head
of every enemy of the people and min-
ion of cupidity and imperialism; and it
will not rest content as long as the
civil or any other branch of the pub-
lic service contains a man who is not
faithful to the constitution and loyal
to the popular sovereignty. Merit shall
not be overlooked, and he who has done
well in the service of the people shall
find that they and their administration
is not ungrateful, nor subservient to
venal influences. Woe to the conquer-
ed leaders of usurpation, of the pre-
tensions of wealth, and the machina-
tions and combinations of imperialism!
Honor, power and prosperity to the
people and those whose capacity, cour-
age and patriotism will have made
them deliverers of the Republic from
the Hanna harpies and the Alger army-
worms and vultures of the battle-
fields.

This is no dream, nor fancy-picture,
but a prophecy of coming events. Put
your ear to the ground, and you will
hear the grand march of a people at
last aroused to their wrongs and dan-
gers. Out of the way, all who would
oppose or impede this majestic march!
Fall into ranks, all good citizens, who
love liberty and their country, and who
would share in the glory of rescuing
them from the hands of treachery and
spoliation!

In England, there is a final appeal
from the courts to the upper house of
Parliament,—to the House of Lords.
Here we can only appeal to our Gen-
eral Assembly from the courts in our
selection and instruction of our Sena-
tors and Delegates. And it is our right
to do so; a right constitutional, inherent
and reserved. If self-defence be forced
upon us, we must accept the battle, un-
pleasant as it may be. If our supreme
court assert a tyranny over us, and
even over the legislature and State
government, what recourse is there for
us? We cannot submit, and surrender
our inherent and constitutional rights
of life, liberty and property to a set
of men whose self-magnification makes
it impossible for them to see and re-
spect any rights and powers but their
own, and these imaginary, engendered
by long concentration of self on self.

Isn't it about time for the suiciding
to begin in our War Department and
Army Staff? French military men can-
not survive infamy or disgrace; but
our Hanna heroes and Algerine pirates
in uniform, grow fat on the profits of
embalmed beef—"infamous, but con-
tent"—to borrow a saying from the
"Letters of Junius."

Altgeld ought to be respected for his
name by capitalists and financiers, as
it is German for "old money."

The more fighting, the more Demo-
crats.

VIRGINIAN-PILOT'S HOME STUDY CIRCLE

(Copyrighted, 1899.)

DIRECTED BY PROF. SEYMOUR EATON.

SUBJECTS OF STUDY IN THE ORDER IN WHICH THEY WILL BE PUBLISHED.

EVERY SUNDAY—
History—Popular Studies in European History.
EVERY TUESDAY—
Geography—The World's Great Commercial Products.
EVERY WEDNESDAY—
Governments of the World of To-day.
EVERY THURSDAY AND FRIDAY—
Literature—Popular Studies in Literature.
EVERY SATURDAY—
Art—The World's Great Artists.

These courses will continue until June 26th. Examinations conducted
by mail, will be held at their close as a basis for the granting of Certificates.

THE WORLD'S GREAT ARTISTS.

IV.—MURILLO. SPAIN'S KING OF RELIGIOUS PAINTERS.

Until recently few painters have en-
joyed such continuous and universal
popularity as Murillo. A Spaniard of
the Spaniards, he was idolized in his
own country during his lifetime and
ever since, and at the same time there
is hardly a part of Europe where he
has not gained popular applause. Of
late critical voices have been quite
loudly raised, especially among artists,

teenth century), when the church and
the inquisition were not only stamping
out the Moor and the Jew, but guarding
against any invasion of protestant
thought, that the art of painting, be-
gan to throw off its swaddling clothes
in Spain and to cease being an imper-
fect echo of Italy or the Netherlands.
A number of its leaders—such as Mo-
rales, De Varkas and Juanes—were
what Fra Angelico was in Italy, except
that they had none of his gentle spirit.
They breathed the same spirit as the
inquisitors and the ascetic friars, and
in their art there was no mercy or



MURILLO.
(From a portrait painted by himself.)

who compare him disadvantageously to
Velasquez, his great contemporary; but
comparisons between men so utterly
unlike in character and life, as well as
in the subjects and manner of their art,
are worse than useless. Each reigned
supreme over a separate kingdom. To
Velasquez, the state painter, fell the
court and the nobility, with their
strong, aristocratic personalities, rich
costumes and stirring, contentious life;
to Murillo, the church painter, fell the
realm of religious art, with its ecstatic
emptying of personality, its glorifica-
tion of poverty and sacrifice and its
tension toward the other life. Modern
art, with its lack of faith and of love
of technique, enshrines Velasquez as
one of its fairest idols and crowns on
Murillo as a meretricious caterer to the
popular vote. Though it may be true
that when compared to the sunlight
brilliance of Velasquez the greatness of
Murillo is but as that of the moon, that
is no reason for calling out, as in the
ancient amphitheater, "Thumbs down!"

Murillo was the last of Spain's great
painters before the decadence set in.
Before setting forth the details of his
life let us inquire what position he
takes in the long line of Spanish ar-
tists. Critics are sometimes puzzled
whether to call him a "realist" or an
"idealist," but to make him fit into one
or the other of these much-abused and
confused classifications is an impossible
feat. He was certainly neither a realist
nor an idealist, but rather a naturalist
in paint, with an underlying vein of gen-
erous idealism. A religious poet in
paint, he allowed this vein of gentle full
swing he would have become the Span-
ish representative of the Dutch ideal,
the painter of the street urchin and
beggar and the daily life of the common
people. But he was soon caught in the
strong currents of religious feeling,
which swept him off his feet and filled
him with an ardor that inspired his
brush to depict so vividly that side of
Spanish religious life that was most
feminine and poetic—the mysticism so
typical of the popular order of St.
Francis. Far more than the Italian
painters of his time or for several gen-
erations, he was a teller of stories and
a teacher of truths, and his works enter
so much the more into the warp and
woof of Spanish life and history.

A comparison of Murillo with the
earlier religious painters of Spain will
explain his transcendent popularity.
His predecessors had been either fan-
atics or formalists. Owing to the long
possession of a large part of Spain by
the Moors through the middle ages, the
accumulation of wealth in the hands of
the Jews and the slow national Chris-
tian development before the glorious
reigns of Ferdinand and Isabella, Spain
had not until then (c. 1500 A. D.) had
uncontrolled power to crush the unbel-
iever. So that Spain's mediaeval fanat-
icism, made more bitter by long re-
pression, did not work itself out until
the Renaissance period, and its very
historic incongruity, its opposition to
the spirit of indifference, tolerance of
religious liberty to which other coun-
tries had attained, made this fanaticism
the more bloody, the more dark and in-
tolerant. It was at this very time (six-

charity; it was but a branch of relig-
ious teaching carried out as strictly as
the teaching in a theological seminary.
The Spanish prelates, face to face with
so large a percentage of non-Christian
population in the new kingdom, had to
solve the same problem as the early
Christian and Carolingian churches.
Like them, they used art largely as a
means of conversion and edification,
but their methods smacked less of early
Christian mildness than of the brutality
of Charlemagne, who drove the Saxons
to the river and drowned by thousands
those who declined baptism. Only in
Spain fire and not water was the favor-
ite medium of persuasion. The art of
these people was ascetic and stern; held
out no promises but ruled by fear, and
pointed to hell and not to heaven. Such
were the fanatic painters who mostly
hardened back to the Flemish school. On
the other hand, the formalists, were
men tainted with the pseudo-religious
art of Italy, whose work was admired
because of its external perfection and
who obeyed the formulas governing the
composition of religious subjects. Hav-
ing caught something of the conversa-
tional style of the Italians, and, being
did not touch the heart of the people.
They were tolerated because since the
Moors and the Jews had been exter-
minated, converted or exiled and danger
of protestant propaganda had passed,
the fanatical school seemed to have
completed its work.

But religious intensity had not yet
worn itself out in Spain. It simply be-
came more mystic under Franciscan
guidance; passionately feminine instead
of fiercely masculine, the promises of
love overshadowing the terrors of the
inquisition. The loving Divine Child
replaced the Supreme Judge, held and
guided by the Immaculate Virgin. The
spell under which the catholic church
proclaimed the dogma of the immacu-
late conception in 1866 was woven at
that time in Spain, and the most potent
artistic factor in its weaving was Mu-
rillo, and it was he also who lent the
charm of his pencil to the spread of
the doctrine of the sacred heart, of the
scrupulous and other visions and ecsta-
sies, to all these and other phases of
that debauch of religious sentimental-
ity as sincere as it was misguided,
which had Spain as its center. The
fervor and faith shown by Murillo in
depicting these scenes which were such
favorites with monks and people made
of him the chief apostle of the new
creed. At last there had arisen a
painter that could interpret the heart
of the people.

Bartholome Esteban Murillo was born
at Seville at the close of December,
1617, in a small tenement house, and
was baptised on January 1, 1618. His
parents were in very moderate circum-
stances. They both died in 1628, leav-
ing the boy to the guardianship of the hus-
band of his aunt, Ana Murillo. After his
school days were over, in about 1630,
he was apprenticed to a relative, the
well known painter, Juan del Castillo
(1584-1640), a pupil of Fernandes, more
famous as a teacher than as an artist.
There he passed through the weary
stages of grinding colors and cleaning
brushes until he was allowed to master
Castillo's system of hard and dry
draughtsmanship. The studio was in the

habit of turning out a quantity of sac-
red banners and pictures, hangings for
religious processions and festivals, and
in performing his share of this work the
young Murillo not only gained consid-
erable facility of handling, but prepared
himself to earn his bread when his mas-
ter left Seville for Cadiz in 1639. During
the next three years he was without
master, and earned precarious liveli-
hood by selling pictures at the Feria
market, held on Saturdays, with no
particular stimulus to ambition. In 1642,
when he was 24 years old, the tide was
turned by the return of a former fellow
student under Castillo, Pedro de Moya,
who had studied with Vanduyke in Lon-
don and had come back full of enthu-
siasm and prepared to proselytize for his
new master not only by force of exam-
ple, but by means of pictures by Van-
duyke himself, which he had brought
with him. Murillo felt the need of fur-
ther assistance with this new world of
art, and resolved to go to Rome to
study. He set to work rapidly turning
out pot-boilers, and set aside the money
they brought for his journey, and for
the orphaned sister he was leaving be-
hind him. He then pluckily made a
foot journey to Madrid across the Sier-
ras, arriving penniless and without
friends some time in 1643. He had the
good fortune to have recourse to his
fellow townsman, Velasquez, then in
high favor at the court, and through
his advice remained in Madrid studying
the many masterpieces of the two gal-
leries of the Escorial and Buenretiro,
lodging in his patron's house. He spent
over two years mastering the styles of
such masters as Vanduyke, Ribera, Ru-
bens, Rembrandt, the Venetians and
Velasquez himself, and then decided to
give up his ambitious scheme of for-
eign travel and return to his native
Seville, where he established himself as
an independent artist. At this crisis in
his career he received orders for a
number of pictures from the Francis-
can monks of the city, thus beginning
an association that decisively colored
his whole life and art, for he became
emphatically the representative painter
of that order. The eleven pictures
which he painted for the cloister of this
monastery caused a great sensation in
Seville, and gave him an immediate
reputation. They were painted during
1645 and 1646.

In 1648 he married Beatriz de Cabrera,
y Sotomayor. In his will he states that
she brought him a marriage portion and
that he "brought to the said marriage
no goods or property whatever," show-
ing that until then he had not done
more than earn a bare livelihood. He
had by her two sons and a daughter.
Gasper, the eldest, followed his father's
profession, and became in 1685 a canon
of the Cathedral of Seville, and died
in 1709. Gabriel, the younger, went to
America, where he still was at the time
of his father's death. Francesca became
a nun in the convent of Madre de Dios.

Note.—This paper will be concluded
next Saturday, April 22.

EXAMINATIONS AND CERTI- FICATES.

At the end of the term of seventeen
weeks, a series of questions on each
course, prepared by Professor Seymour
Eaton, will be published in the Vir-
ginian-Pilot, and blanks containing the
questions will be furnished every sub-
scriber making application for same.
Two weeks will be allowed after the
courses close, for the receipt of exami-
nation papers containing answers. These
papers will be referred to a
Board of Examiners, who will assist
Professor Eaton, and as soon as the
work of examination is complete, the
result will be reported, and certificates
issued to the students entitled to them.

Garments produced by Rudolph &
Wallace represent the highest art in
tailoring.

Now is Your Opportunity!

I am Offering Unusually Low
Rates to all Catarrh Suf-
ferers Who Begin My
Treatment Before April
18th.

The coming two or three months are
probably the best in the year for treat-
ment, being free from the extreme heat
of summer and cold and snows of winter.
SO THAT CATARRH CAN BE CURED
MORE READILY THAN AT OTHER
SEASONS OF THE YEAR, when recovery is
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